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*Criminal Justice, Public Safety*

## Laws let Texans donate to fund testing of sexual assault kits

[December 12](#) — Two laws enacted by the 85th Legislature this year allow Texans who are obtaining a driver's license or registering a vehicle to contribute money for the testing of evidence from sexual assaults or other sex crimes. By early 2018, the Texas Department of Motor Vehicles expects to have the system available for vehicle registrations and the Department of Public Safety (DPS) plans to begin collecting donations during the driver's license application process.

[HB 1729](#) by Neave allows those applying for a new or renewed driver's license or identification card to contribute \$1 or more to the grant program. [HB 4102](#) by Neave allows those registering or renewing a registration for a vehicle to contribute any amount. The Legislature may appropriate donated funds only for an evidence-testing grant program established by the Office of the Governor's criminal justice division. The governor's office will distribute the funds to law enforcement agencies and counties for testing at an accredited crime laboratory.

Supporters of creating the donation-funded grant program said it would allow Texans to help address the need for funding to increase the number of evidence kits tested. They said the testing could help find and stop sexual offenders and would add to state and local efforts. Critics of the new laws said that testing evidence from sex crimes is a state and local government responsibility and should not depend on donations. Others raised concerns that expanding the donation options on driver's licenses and vehicle registration renewals could reduce donations to programs that already receive them.

The fiscal 2018-19 budget appropriates to the evidence-testing grant program an estimated \$1.1 million each fiscal year to implement the two new laws. The actual amount the program receives will depend on donations and could be more or less than the estimated appropriation. The current budget also appropriates

\$4.2 million in general revenue to DPS to test sexual assault kits that are backlogged from investigations occurring after August 2011. In 2013 and 2015, the Legislature appropriated funds specifically to test backlogged sexual assault kits from investigations occurring before August 2011. DPS is working with local law enforcement to address the approximately [1,800 of those kits](#) that remain untested.

No statewide count is available of the number of untested kits from crime investigations after August 2011. The kits are dispersed among 10 DPS labs and six other labs, most of which are affiliated with a major city or large county. On average and on any given day, DPS labs have about 3,000 to 4,000 untested kits, according to DPS, and the cost to test a kit varies but averages about \$1,000.

The option to donate for sexual assault evidence testing will be part of the license and registration renewal processes that already allow Texans to make donations to certain causes. Texans obtaining a driver's license can donate to support Texas veterans, an organ donor registry, or blindness education, screening, and treatment. Vehicle registration renewal forms include options to donate to Texas veterans, an organ donor registry, Texas parks, and the Special Olympics. The same legislation that authorized the donation program for the evidence testing also added an option on vehicle registrations to donate to a fund to end homelessness.

The 85th Legislature also enacted [HB 281](#) by Howard, which created a statewide electronic tracking system for evidence in sex crimes. The tracking system will allow sexual assault survivors and those involved in handling the evidence to track the status and location of evidence.

— Kellie Dworaczyk